

REMARKS

The Office Action mailed May 16, 2007 sets forth an objection against Claim 95 under 37 C.F.R. § 1.75(c) for reciting the same features as Claim 94. The Office Action rejects Claims 77, 99, and 104 under 35 U.S.C. § 112, second paragraph, for failing to distinctly claim subject matter, and rejects Claims 53, 56-59, 62, 63, 65-75, 77, 80, 81, 84-99, and 103-105 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,513,403, to Troy. Furthermore, the Office Action allows Claim 102, and indicates that each of Claims 54, 55, 60, 61, 64, 76, 78, 79, 82, 83, 100, and 101 contain allowable subject matter but objects to these claims as they depend from claims affected by other rejections or objections.

Objection to Claim 95 Under 37 C.F.R. § 1.75(c)

Claim 95, which previously erroneously depended from Claim 94, has been amended herein to depend from Claim 93. Thus, the objection set forth in the Office Action against Claim 95 has been remedied. Accordingly, Applicant respectfully requests withdrawal of this objection.

Rejections to Claims 77, 99, and 104 Under 35 U.S.C. § 112, 2nd Paragraph

The Office Action sets forth the view that the phrase “the mean number of pulses per associated pattern of pulses” is unclear and that, therefore, Claims including this phrase fail to distinctly claim subject matter. Applicant firstly notes that, according to the listing of claims herein, the phrase is maintained in Claims 77 and 99, and added to Claims 79 and 101, none of which are referenced by other claims. Claim 104 is canceled. Thus, only each of Claims 77, 79, 99, and 101 now include the phrase alleged as unclear.

Applicant respectfully submits that the phrase “the mean number of pulses per associated pattern of pulses” is clear and carries no adverse effect into the claims. Clearly, the number of pulses in any one pattern of pulses can be counted to determine a pulse count. Thus, where

multiple patterns are considered, respective numbers, or pulse counts, can be determined by counting the pulses in each pattern. The word "mean" refers to an arithmetic mean, or, equivalently, an average, as would be understood by one of ordinary skill in the art to which the claimed invention pertains. Thus, the phrase "the mean number of pulses per associated pattern of pulses" refers to the average pulse count per pattern. For example, where a first pattern has one pulse, a second pattern has two pulses, and a third pattern has two pulses, the total number of pulses within the three patterns is five, and the mean number of pulses per pattern is approximately 1.666, as determined through dividing five by three according to an arithmetic mean calculation.

Applicant respectfully requests withdrawal of rejections toward Claims 77 and 99, and respectfully requests that Claims 79 and 101 be allowed without rejections regarding the phrase "the mean number of pulses per associated pattern of pulses."

Rejections Under 35 U.S.C. § 102(b)

Independent Claim 53 has been amended to incorporate the allowable subject matter of previous Claim 54. Claims 56-57, 63, and 65-73 all depend directly or indirectly from independent Claim 53, and therefore include the allowable subject matter of previous Claim 54. Accordingly, Applicant submits that Claims 53, 56-57, 63, and 65-73 are allowable and respectfully requests that the rejections under 35 U.S.C. § 102(b) to these claims be withdrawn.

Claim 58, which previously depended from Claim 53, has been rewritten in independent form and has been amended to incorporate the allowable subject matter of 60. Accordingly, Applicant submits that independent Claim 58 is allowable and respectfully requests that the rejection under 35 U.S.C. § 102(b) to this claim be withdrawn.

Claim 59 and 62, which previously depended directly from Claim 58 and thereby indirectly from Claim 53, have each been rewritten in independent form and have each been amended to incorporate the allowable subject matter of 60. Accordingly, Applicant submits that independent Claims 59 and 62 are allowable and respectfully requests that the rejections under

35 U.S.C. § 102(b) to these claim be withdrawn.

Claim 74, which previously depended from Claim 53, has been rewritten in independent form and has been amended to incorporate the allowable subject matter of 76, along with that of previously intervening Claim 75, now canceled. Accordingly, Applicant submits that independent Claim 74 is allowable and respectfully requests that the rejection under 35 U.S.C. § 102(b) to this claim be withdrawn.

Claim 77, which previously depended from Claim 53, has been rewritten in independent form and has been amended to incorporate the allowable subject matter of Claim 78. Accordingly, Applicant submits that independent Claim 77 is allowable and respectfully requests that the rejection under 35 U.S.C. § 102(b) to this claim be withdrawn.

Independent Claim 80 has been amended to incorporate the allowable subject matter of previous Claim 82. Claims 84-98 all depend directly or indirectly from independent Claim 80, and therefore include the allowable subject matter of previous Claim 82. Accordingly, Applicant submits that Claims 80 and 84-98 are allowable and respectfully requests that the rejections under 35 U.S.C. § 102(b) to these claims be withdrawn.

Claim 99, which previously depended from Claim 80, has been rewritten in independent form and has been amended to incorporate the allowable subject matter of Claim 100. Accordingly, Applicant submits that independent Claim 99 is allowable and respectfully requests that the rejection under 35 U.S.C. § 102(b) to this claim be withdrawn.

As Claims 75, 81, and 103-105 have been canceled, the rejections under 35 U.S.C. § 102(b) to these claims are rendered moot.

Objections to Claims Indicated as Having Allowable Subject Matter

As Claims 54, 60, 76, 78, 82, and 100 have been canceled, the objections raised against these claims are rendered moot.

Claims 55, 64, and 83 have been rewritten in independent form, and include all of the

features of the claims from which they previously depended. Accordingly, Applicant submits that independent Claims 55, 64, and 83 are allowable and respectfully requests that the objections raised against these claims be withdrawn.

Claim 61 has been rewritten in independent form, and includes all of the features of the claims from which it previously depended directly or indirectly. Thus, independent Claim 61 now includes at least the allowable subject matter of Claim 60. Accordingly, Applicant submits that independent Claim 61 is allowable and respectfully requests that the objection raised against this claim be withdrawn.

Claims 79 and 101 have been rewritten in independent form, and include all of the features of the claims from which they previously depended directly or indirectly. Accordingly, Applicant submits that independent Claims 79 and 101 are allowable and respectfully requests that the objections raised against these claims be withdrawn.

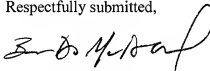
Allowed Claim 102

Allowed Claim 102 is not amended herein and accordingly remains allowed.

Appl. No.: 10/529,084
Amdt. dated August 16, 2007
Reply to Office Action of May 16, 2007

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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